

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

KIRK ARDELL SJODIN,  
Plaintiff,  
v.  
STATE OF CALIFORNIA, et al.,  
Defendants.

Case No. [23-cv-00195-JD](#)

**ORDER RE DISMISSAL**

Re: Dkt. Nos. 6, 8, 9

Plaintiff, a state prisoner acting pro se, filed a civil rights action under 42 U.S.C. § 1983. Plaintiff was sent a notice that he had not paid the filing fee or submitted a complete application for leave to proceed in forma pauperis (“IFP”). He was provided twenty-eight days to correct these deficiencies. More than twenty-eight days has passed, and plaintiff has not paid the fee or filed a complete application to proceed IFP. The case is **DISMISSED** without prejudice. Plaintiff’s motions (Dkt. Nos. 6, 8 and 9) are **DENIED**.

Plaintiff is also advised that, to recover damages for an allegedly unconstitutional conviction or imprisonment, he must demonstrate that the conviction or sentence has been reversed, expunged or declared invalid. *Heck v. Humphrey*, 512 U.S. 477, 486-487 (1994).

Plaintiff filed a habeas petition seeking to overturn his conviction simultaneously with this civil rights case. If plaintiff’s conviction is overturned, he should file a case seeking money damages in the district where he was convicted, and the defendants reside.

**IT IS SO ORDERED.**

Dated: March 2, 2023

  
\_\_\_\_\_  
JAMES DONATO  
United States District Judge